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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

15 CR 288 (RMB)
Supervised Release
Hearing

5 VANDERMME MCDONALD,

6 Defendant.
7 -----x

8
9 New York, N.Y.
December 16, 2021
10 9:40 a.m.

11 Before:

12 HON. RICHARD M. BERMAN,

13 District Judge

14 APPEARANCES VIA TELECONFERENCE

15 DAMIAM WILLIAMS,
16 United States Attorney for the
Southern District of New York
17 BY: HAGAN C. SCOTTEN
Assistant United States Attorney

18 KENNETH MONTGOMERY
19 Attorney for Defendant

20 ALSO PRESENT: DAVEENA TUMASAR, USPO, SDNY
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1 (The Court and all parties appearing telephonically)

2 THE COURT: Okay. Good morning, everybody. Our last
3 supervised release hearing was held on September 1st, 2021, and
4 Ms. Gersten, social worker at Samaritan Village also
5 participated in that hearing. She advised the Court that
6 things were going pretty well and, indeed, suggested, and I
7 went along with that, that treatment be discontinued because
8 such good progress was being made. So the record will speak
9 for itself from September 1. I'm going to make that transcript
10 Court Exhibit A to today's proceeding.

11 Perhaps, if we have the probation officer on the case,
12 we start and get an update about Mr. McDonald's progress and
13 how things are going.

14 And I would ask Christine to swear in first probation
15 and then if we have Ms. Gersten on the phone, I wasn't sure if
16 we did, but if we do, if we could hear from her as well.

17 THE DEPUTY CLERK: Yes, Judge. I'll swear in Officer
18 Tumasar. I don't believe Ms. Gersten is on the line, as
19 treatment was terminated at the last hearing.

20 THE COURT: Right. Okay.

21 (Probation Officer Tumasar sworn)

22 Hi. So could you tell us how things are progressing?
23 I do recall authorizing the termination of treatment and that
24 happened, I take it, on or about September 1; is that correct?

25 MS. TUMASAR: Yes, your Honor. Good morning.

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1 Yes, in light of the Court's approval of Ms. Gersten's
2 recommendation to terminate treatment, treatment was terminated
3 on September 2nd, 2021.

4 THE COURT: Okay.

5 MS. TUMASAR: And Mr. McDonald continues to do very
6 well on supervised release. There's been absolutely no issues
7 with Mr. McDonald. He maintains contact with probation. He
8 continues to work at the warehouse for UPS, where he is earning
9 \$20 an hour. He is employed full time, and as I stated, there
10 has been no incidents where -- any negative incidents, rather,
11 where it's required us to bring to the Court's attention.

12 THE COURT: Oh, good. So and things at home, all of
13 that?

14 MS. TUMASAR: Yes, everything at home is intact. He
15 continues to reside with his mother and sisters, all of whom
16 are employed. Mr. McDonald does have a stable family life.

17 THE COURT: Great. So with that, I think I'll hear
18 from Mr. McDonald and see firsthand from you how things are
19 going from your perspective?

20 THE DEFENDANT: Hello?

21 THE COURT: Yes, Mr. McDonald. Can you hear me?

22 THE DEFENDANT: Yeah, I can hear you, your Honor.
23 Things are going pretty fine. I'm still working, staying out
24 of trouble, clean urine, just maintaining, doing things I
25 should do.

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1 THE COURT: Good. Sounds great.

2 THE DEFENDANT: In January I'm about to turn a UPS job
3 at my job; so more money, more hours just try to elevate that's
4 at all.

5 THE COURT: Sounds good. No, sounds good to me.
6 Socially how are things, good at home?

7 THE DEFENDANT: Things is fine at home, just
8 maintaining, as I say, your Honor, just doing good. That's
9 all.

10 THE COURT: That's great. I think that's great.
11 That's all everybody who is on this call, I'm sure, is
12 supportive of that. It sounds like a great report and good to
13 hear it. It really is good to hear it.

14 Anybody else want to add anything to today's record?

15 THE DEFENDANT: I got one question, your Honor.

16 THE COURT: Yes, let's hear it.

17 THE DEFENDANT: I'd like to take a trip in April to
18 Greece with my girlfriend for her birthday, and another trip,
19 like two, three months later for my grandmother's memorial and
20 my grandfather to Jamaica.

21 THE COURT: And, Ms. Tumasar, what do you think of
22 that? That sounds okay with me. What we usually ask is if
23 it's okay with probation, that he just apprise you of the
24 details of, you know, where he's going and where he's staying,
25 that kind of thing, but I have no objection, if you don't.

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1 MS. TUMASAR: Your Honor, I absolutely do not have any
2 objections. I think Mr. McDonald has earned both trips. I
3 know that the Jamaica trip was something he talked about for a
4 while, and he's has been very patient. So I do, not have --
5 probation does not have any objections.

6 As I stated, I think he's earned the travel privilege.
7 If the Court is going to order both travel arrangements, that's
8 okay, and I will follow up with Mr. McDonald. And he'll
9 provide me with his travel itinerary and accommodations for
10 both trips.

11 THE COURT: Yes. So I don't know if you need a
12 written order, but I've determined is that travel outside of
13 the district, outside of our jurisdiction, is acceptable to me
14 and subject only to the approval of probation, which has just
15 been given.

16 We always require in advance of the trip, as far in
17 advance as possible, Mr. McDonald, if you could supply
18 Ms. Tumasar with the details; when you're going to be away, the
19 dates, and when you're coming back and where you're staying.
20 That's generally, if I understand it, what information
21 probation usually requires. That's fine with me, if that's
22 agreeable to you, to make that information available.

23 THE DEFENDANT: Yes, it is, your Honor. No problem.

24 THE COURT: Yes, and I think it's as Ms. Tumasar is
25 saying. I think you earned it, and I'm just delighted that

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1 things are going to well.

2 THE DEFENDANT: Thank you so much.

3 THE COURT: My pleasure.

4 So, Christine, if we can pick a date that doesn't
5 interfere with the travel.

6 Do you have now an idea of when those trips will
7 happen?

8 THE DEFENDANT: One of them might be April because I'm
9 going to start a new position in the job; so I don't know if I
10 can take time off to go, but that one is a maybe. But the
11 Jamaica, it will be next year for sure, for sure. I'll give
12 her the dates for both, just in case, but the Jamaica is for
13 sure for a go.

14 THE COURT: All right. And when is that likely to be?

15 THE DEFENDANT: What, the Jamaica one?

16 THE COURT: Yes.

17 THE DEFENDANT: Like -- I'd say like May, June, like
18 around that time.

19 THE COURT: Oh, perfect. Okay. So we're going to get
20 together before then, you know, briefly.

21 And by the way, I said last time, that this might be a
22 case that we could terminate supervision early. And I think I
23 even said last time we could, if things keep going well, knock
24 off at least one year and maybe two years of your supervision.
25 So currently --

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1 THE DEFENDANT: Yeah, no problem. Anytime y'all
2 ready, I got no problem because I'm doing things I'm supposed
3 to do. But anytime y'all want to feel like y'all want to do
4 something, you know, I'm cool with that. But I got no problems
5 right now. I'm straight.

6 THE COURT: That's good. I think it's wonderful,
7 actually.

8 I think, Ms. Tumasar, I'll leave it to you. It may be
9 a little early right now, but if you want to think about that
10 and make a proposal down the road, perhaps after the trips, or
11 I don't know exactly when, you know, you'll decide is the
12 appropriate time, but it's on my mind. I know it's on yours,
13 and I think it's well deserved.

14 MS. TUMASAR: I agree, your Honor. And I certainly
15 will make the proposal to the Court. If things continue to go
16 well, I believe that I will make the proposal at the next
17 conference. As I stated, this is one of those cases, and we
18 have very few, but that has a very good chance of success. And
19 we want to encourage Mr. McDonald to continue doing well, and I
20 have no doubt that he will continue to do well and that he will
21 be successful beyond supervised release. So I believe that
22 probation will make the recommendation at the next conference.

23 THE COURT: Okay. You know, I agree with you a
24 hundred percent. These kinds of situations don't come along
25 all that often. Early termination is certainly the way we like

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1 to deal with them and reward the person for, you know, their
2 success in supervision. So I'll look forward to that.

3 And, in fact, why don't we set a date for some time in
4 March, Christine, and we'll see where things stand.

5 THE DEPUTY CLERK: Yes, Judge. How is Wednesday,
6 March 30 at 9:00 a.m.?

7 THE COURT: Works for me. Mr. McDonald?

8 MR. MONTGOMERY: Works for the defense.

9 THE COURT: Is that good for defense?

10 MR. MONTGOMERY: Yes, your Honor.

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. And, Christine, did you say 9:30?

13 THE DEPUTY CLERK: I said 9:00, Judge.

14 THE COURT: 9:00. All right. So that's our next
15 hearing date. I didn't ask counsel if they wanted to add
16 anything. They're certainly welcome to, but it's a good story
17 we're hearing here, and I'm happy that it's happening.

18 MR. MONTGOMERY: Nothing from the defense, other than
19 have a great year, Mr. McDonald, and keep striving.

20 THE DEFENDANT: You, too. Thank you so much.

21 THE COURT: Government?

22 MR. SCOTTEN: Yes, Judge, that works for us.

23 THE COURT: Okay. All right. Then thanks everybody.
24 Have a great holiday and we'll --

25 MR. MONTGOMERY: You, as well.

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1 THE COURT: Yup, and we'll talk again in March.

2 MS. TUMASAR: Thank you.

3 MR. MONTGOMERY: Thank you.

4 MR. SCOTTEN: Thank you.

5 THE COURT: Thanks, everybody.

6 (Adjourned)

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